

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0253

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOSHUA HAWKEYE LEWIS,

Defendant and Appellant.

FILED

DEC 23 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW Taryn Stampfl Hart, counsel for Appellant, and respectfully requests until January 15, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 23rd day of December, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: 

Taryn Stampfl Hart
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.
County of Lewis and Clark)

I, Taryn Stampfl Hart, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

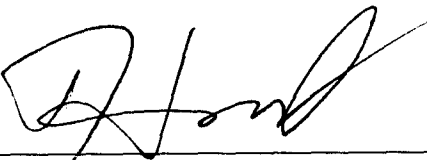
3. The Appellant's opening brief is currently due December 28, 2009. Counsel requests until January 15, 2010, in which to file Appellant's opening brief.

4. During the month of December, counsel was ill and was out for almost a full week. Additionally counsel is taking time off for the holidays and counsel's assistant is on vacation until December 28, 2009.

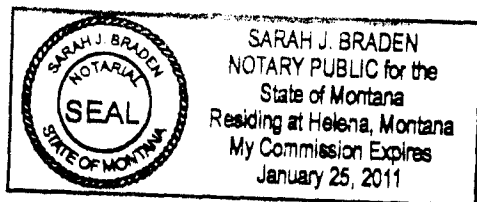
5. Counsel is currently assisting on a reply brief in DA 09-0091, which is currently due on January 4, 2010. Once counsel's work on the reply brief is completed, counsel will be able to work exclusively on the present matter.


6. In light of counsel's current commitments, counsel cannot complete the briefing in time to mail the brief to the client so as to give the client an opportunity to consult.

7. Counsel will work diligently to complete the matter in the time requested.
8. Opposing counsel has been contacted concerning this motion and does not object.
9. Further your affiant sayeth naught.


TARYN STAMPFL HART

SUBSCRIBED AND SWORN to before me this 23rd day of December,
2009.




Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

CHRIS CHRISTENSEN
Madison County Attorney
P.O. Box 73
Virginia City, MT 59755-0073

DATED: _____

12/23/09 Steph J Brader